

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOHN OGLESBY JR.

Civil No. 06-847 (MJD/JSM)

Petitioner,

v.

ORDER

R.L. MORRISON, Warden, Duluth Federal
Prison Camp, and the Federal Bureau of
Prisons,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated August 2, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. ' 2241 is granted. Petitioner's RRC determination shall be based on the BOP's pre-2002 policy and without regard to 28 C.F.R. ' ' 570.20 and .21.

Dated: September 8, 2006

s / Michael J. Davis
MICHAEL J. DAVIS
United States District Court Judge